



Sussex County Council Agendas & Minutes

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MARCH 9, 2004

Call to Order

The regular meeting of the Sussex County Council was held Tuesday, March 9, 2004, at 6:30 p.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Dale R. Dukes	President
Finley B. Jones, Jr.	Vice President
Lynn J. Rogers	Member
George B. Cole	Member
Vance Phillips	Member
Robert L. Stickels	County Administrator
David Baker	Finance Director
James D. Griffin	County Attorney

Mr. Dukes announced that Mr. Rogers would be arriving later in the evening and that he was representing Council at another function.

M 139 04 Approve Agenda

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to approve the Agenda, as distributed.

Motion Adopted: 4 Yea, 1 Absent

**Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Absent; Mr. Jones, Yea;
Mr. Dukes, Yea**

M 140 04 Approve Minutes

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to approve the minutes of February 17, 2004.

Motion Adopted: 4 Yea, 1 Absent.

**Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Absent; Mr. Jones, Yea;
Mr. Dukes, Yea**

Corre- spondence

Mr. Griffin read the following correspondence:

GOOD SAMARITAN AID, LAUREL, DELAWARE.

RE: Letter in appreciation of grant.

FRANCES DAVIS AND FAMILY, ELLENDALE, DELAWARE.

RE: Letter to Community Development Office in appreciation of improvements made to their home.

**Corre -
spondence
(continued)**

WEST SIDE NEW BEGINNINGS, REHOBOTH, DELAWARE.

RE: Letter in appreciation of grant.

COASTERS, INC., SELBYVILLE, DELAWARE.

RE: Letter in appreciation of grant.

GEORGETOWN LITTLE LEAGUE, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of grant.

SUSSEX STORM, BETHEL, DELAWARE.

RE: Letter in appreciation of grant.

DELAWARE MUSIC SCHOOL, MILFORD, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

KENT-SUSSEX INDUSTRIES, INC., MILFORD, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

NATIONAL MULTIPLE SCLEROSIS SOCIETY, WILMINGTON, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

MOTHERS AGAINST DRUNK DRIVING (MADD), GEORGETOWN, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

EL CENTRO CULTURAL, INC., GEORGETOWN, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

LEWES SENIOR CITIZENS CENTER, INC., LEWES, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

CONTACT DELAWARE, INC., WILMINGTON, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

SECOND STREET PLAYERS, MILFORD, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

MARTIN SHUEY, BRIDGEVILLE, DELAWARE.

RE: Letter regarding the "Twelve Million Dollar excess in the county treasury".

DELAWARE VOLUNTEER FIREMEN'S ASSOCIATION, DOVER, DELAWARE.

RE: Letter thanking the County for the use of the Emergency Operations 911 Mobile Command Post during the funeral of the Chief of the Farmington Volunteer Fire Company and thanking staff at the Emergency Operations Center for all of their assistance.

**Corre-
spondence
(continued)**

DELAWARE ECUMENICAL COUNCIL ON CHILDREN AND FAMILIES, WILMINGTON, DELAWARE.

RE: Letter thanking the County Council for the Resolution declaring the month of February as National Parent Leadership Month in Sussex County.

**M 141 04
Adopt
Procla-
mation**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt the Proclamation entitled "PROCLAIMING MARCH AS LAND PRESERVATION MONTH IN SUSSEX COUNTY".

Motion Adopted: 4 Yea, 1 Absent.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Absent; Mr. Jones, Yea;
Mr. Dukes, Yea

**Sussex
County
Land
Trust
Events**

Wendy Baker, President and CEO of the Sussex County Land Trust (SCLT), was present and stated that the SCLT was formed in January 2001 and has recently celebrated its second anniversary. Ms. Baker informed the County Council that, to continue raising awareness and funds for the County's ongoing conservation needs, SCLT is planning two events for Saturday, March 20th: the "Race for Open Space" 5K Run & Walk and the Sussex County Land Trust Inaugural Ball. Ms. Baker encouraged the County Council to participate in these events.

**M 142 04
Adopt
Procla-
mation**

A Motion was made by Mr. Cole, seconded by Mr. Jones, to Adopt the Proclamation entitled "PROCLAIMING MARCH AS RED CROSS MONTH IN SUSSEX COUNTY".

Motion Adopted: 4 Yea, 1 Absent.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Absent; Mr. Jones, Yea;
Mr. Dukes, Yea

**American
Red
Cross
of the
Delmarva
Peninsula**

Ms. Sarah Gilmour, Administrator, Volunteer Development and Community Relations, American Red Cross of the Delmarva Peninsula, was present and provided statistical information regarding FY 02/03 activities and accomplishments.

Ms. Gilmour reported that in FY 02/03, volunteers and paid staff of the American Red Cross of the Delmarva Peninsula:

- responded to 223 disaster incidents, providing disaster relief for 358 families;
- trained 16,112 people to save lives through classes like First Aid, CPR, Lifeguarding and Babysitters' training;
- provided 8,133 transportation services for patients with no other access to medical appointments;

**Red Cross
(continued)**

- facilitated 541 services – primarily emergency messages – for military persons and their families.

**Draft
Legislation/
Tax
Increment
Financing
and
Special
Develop-
ment
Districts**

Mr. Stickels discussed draft legislation, which the County Council is being asked to take a position on. The proposed legislation is entitled “AN ACT TO AMEND TITLES 9 AND 22 OF THE DELAWARE CODE ENABLING COUNTIES AND MUNICIPALITIES IN SUSSEX COUNTY TO UTILIZE TAX INCREMENT FINANCING AND SPECIAL DEVELOPMENT DISTRICTS TO FUND COSTS RELATED TO THE IMPACTS OF DEVELOPMENT”. The Bill would enable Sussex County and municipalities in Sussex County to take advantage of the opportunity to have redevelopment, infrastructure, and development impact costs financed through the use of tax increment financing (TIF) and the establishment of special development districts (SDD). Mr. Stickels reported that TIF and SDD financing has been provided to the City of Wilmington through the adoption of identical legislation during the last session of the General Assembly. Mr. Stickels noted that the Sussex County Council opposed similar legislation last year.

It was noted that the Sussex County Association of Towns and some of the municipalities in Sussex County are in support of the proposed legislation. It was further noted and emphasized that the proposed legislation is enabling legislation.

**M 143 04
Withdraw
Opposition
to Draft
Legislation
Relating
to Tax
Increment
Financing
and Special
Develop-
ment
Districts**

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to withdraw the County Council's opposition to the proposed Senate Bill entitled “AN ACT TO AMEND TITLES 9 AND 22 OF THE DELAWARE CODE ENABLING COUNTIES AND MUNICIPALITIES IN SUSSEX COUNTY TO UTILIZE TAX INCREMENT FINANCING AND SPECIAL DEVELOPMENT DISTRICTS TO FUND COSTS RELATED TO THE IMPACTS OF DEVELOPMENT”, which will be coming forth through the 142nd General Assembly.

Motion Adopted: 3 Yea, 1 Nay, 1 Absent.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Nay;
Mr. Rogers, Absent; Mr. Jones, Yea;
Mr. Dukes, Yea

**Draft
Legislation**

Mr. Stickels discussed the draft legislation entitled “AN ACT TO AMEND TITLE 26 OF THE DELAWARE CODE TO PROVIDE FOR

Relating to the Regulation of Waste-water Utilities	REGULATION OF WASTEWATER UTILITIES BY THE PUBLIC SERVICE COMMISSION ". This legislation would require anyone providing wastewater utility service to come under the auspices of the Public Service Commission. Currently, anyone providing water has to do the same thing. The County Council did not express any opposition to this draft legislation.
Surplus Vehicles	<p>Mr. Stickels reported that the Sussex County EMS Department has three vehicles that should be declared as surplus and removed from the County's inventory, as follows:</p> <ul style="list-style-type: none">➤ 1996 CK-3500 pick-up➤ 1994 Ford Explorer➤ 1999 CK-3500 pick-up <p>It has been requested that the vehicles be disposed of, due to the mileage and the condition of the vehicles. Mr. Stickels reported that, with Council's approval, the vehicles would be sold at auction.</p>
M 144 04 Declare Surplus Vehicles	<p>A Motion was made by Mr. Jones, seconded by Mr. Phillips, to declare the following vehicles as surplus: 1996 CK-3500 pick-up, 1994 Ford Explorer, 1999 CK-3500 pick-up.</p> <p>Motion Adopted: 4 Yea, 1 Absent.</p> <p>Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Rogers, Absent; Mr. Jones, Yea; Mr. Dukes, Yea</p>
Kimbles Aviation Services Plans/ Sublease from Georgetown Air Services	<p>Mr. Masten, Director of Economic Development, announced that a new business is coming to the Sussex County Airport. The new business, Kimbles Aviation Services, will be moving their operations to Georgetown from Maryland.</p> <p>Sean Carroll, of Kimbles Aviation Services, presented a company overview. He advised the County Council that Kimbles offers complete warbird (WWII Korean aircraft) and general aviation maintenance, repairs, and restoration. In addition, they sell warbirds and parts for warbirds, and they help customers with the financing, insurance, and training related to these purchases. Currently, Kimbles maintains over 25 warbirds. They also offer storage and a "turn key operation" to their customers, specializing in rare aircraft.</p> <p>Kimbles also organizes fly-ins and training seminars; their team includes "The Yak Demo Team" and "The Kimbles Air Race Team". Their staff of over fifteen pilots and ground crew perform in front of millions of spectators a year.</p>

Mr. Carroll reported that the company is starting a new project, NASA Training for Upset Recovery, which has been written and approved by NASA. Mr. Carroll noted that all corporate and airline pilots have to go through this training.

Kimbles
Aviation
Services
(continued)

Mr. Carroll also reported that the company provides Department of Defense support. Kimbles provides UAV and cruise missile chase, radar interception, and aggressor training. Kimbles has worked with the Naval Air Station Pax River's Test Pilot School in their Quall evaluation program. They are also scheduled to instruct at Edwards Test Pilot School this year.

Mr. Masten reported that there is a facility at the airport that is currently leased to Georgetown Air Services, which is available for use by Kimbles Aviation Services.

M 145 04
Authorize
Sublease
for
Kimbles
Aviation
Services/
Georgetown
Air Services

A Motion was made by Mr. Jones, seconded by Mr. Phillips, that the Sussex County Council approve an agreement authorizing Georgetown Air Services to sublease approximately 10,000 square feet of hangar space next to the Old Terminal Building to Kimbles Aviation Services, a new Delaware corporation, to conduct aircraft services.

Motion Adopted: 4 Yea, 1 Absent.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Absent; Mr. Jones, Yea;
Mr. Dukes, Yea

Kimbles
Aviation
Services/
Plans for
Delaware
Aviation
Museum

Mr. Carroll also told Council that Kimbles Aviation Services is planning the development of a Delaware Aviation Museum to be located in the Old Terminal Building at the Sussex County Airport for the display of classic, vintage, and current aircraft and artifacts. This building will also be subleased from Georgetown Air Services. Mr. Larry Kelly told Council that he has thousands of aviation artifacts, including military uniforms, instruments, books and aircraft. It is planned that the museum will promote the history of the Sussex County Airport and its contribution to aviation history. In addition, they plan to promote tourism to the airport and provide educational opportunities for schools, youth groups, veterans, and other civic and aviation organizations. Mr. Kelly stated that the museum would be developed to house a restoration facility to restore, preserve, and protect artifacts and aircraft. (A small representation of the artifacts was displayed in the County Council Chambers during the meeting.)

Adminis-
trator's
Reports

Mr. Stickels read the following information in his Administrator's Report:

1. Building Code Workshops

The following workshops have been scheduled in regard to conversion to the 2003 International Building Code:

Adminis-
trator's
Report
(continued)

- The first workshop will be held on Monday, March 22, 2004, at 2:00 p.m. in the Council Chambers, County Administrative Office Building on The Circle in Georgetown. This workshop will be on the use of traditional CCA pressure treated wood to alternative wood treatments including handling, use application, code acceptance, and fastener recommendations. It is my understanding that several builders have asked for this program.
- The second workshop will take place on Tuesday, March 23, 2004, at 1:30 p.m. in the Council Chambers.
- The third workshop will take place on Saturday, March 27, 2004, from 9:00 a.m. to 12:00 p.m. at the CHEER Center located on Sand Hill Road in Georgetown. Property owners, builders, contractors, engineers, and architects are encouraged to attend this workshop.

2. Sussex County Advisory Committee for the Aging and Adults with Physical Disabilities

The Sussex County Advisory Committee for the Aging and Adults with Physical Disabilities will meet on Monday, March 15, 2004, at 9:00 a.m. The meeting will take place at the Sussex County West Administrative Complex, North DuPont Highway, Georgetown, Delaware. The general public as well as the media is welcome to attend.

Minutes of Committee meetings and agendas are available on the Internet at www.sussexcounty.net.

3. Public Workshop

The Delaware Department of Transportation is holding a Public Workshop regarding proposed improvements to Mulberry Street in the Town of Milton. The workshop will be on Monday, March 29, 2004, at the H. O. Brittingham Elementary School Cafeteria, 400 Mulberry Street, Milton, Delaware. The public is invited to attend any time between 4:00 p.m. and 7:00 p.m.

The workshop will present preliminary plans of the proposed improvements along Mulberry Street. The improvements would include new sidewalks and curbs, landscaping, drainage improvements, and resurfacing of the roadway on Mulberry Street from Route 16 to Magnolia Street.

4. Lawrence K. Stevenson

It is with sorrow that I inform the Council of the passing of Lawrence K. Stevenson on March 3, 2004. Kenny had been

employed with the County since March 26, 1973, and was a Wastewater Operator III.

Draft Ordinance/ Transfer Tax Exemptions Draft Ordinance/ Transfer Tax Exemptions (continued)	<p>Mr. Baker presented the draft ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 103 OF THE CODE OF SUSSEX COUNTY TO CONFORM TRANSFER TAX EXEMPTIONS TO STATE LAW” for the County Council’s consideration. The Ordinance would conform the County Realty Transfer Tax law to the Delaware Realty Transfer Tax law, as amended by the General Assembly, so as to exempt (1) transfers to nonprofit conservation organizations when the property is purchased for open space preservation purposes and (2) transfers to and from organizations exempt from tax under §501(c)(3) of the federal Internal Revenue Code when the purpose of said conveyance is to provide housing to low and moderate income households by rehabilitating residential properties and reselling said properties without profit. The Ordinance would be effective immediately and apply retroactively to December 1, 2003 upon its adoption.</p>
Introduction of Proposed Ordinance	<p>Mr. Dukes introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 103 OF THE CODE OF SUSSEX COUNTY TO CONFORM TRANSFER TAX EXEMPTIONS TO STATE LAW”. The Proposed Ordinance will be advertised for Public Hearing.</p>
Old Business/ C/Z No. 1530	<p>The County Council discussed Change of Zone No. 1530 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.66 ACRES, MORE OR LESS” filed on behalf of Cloverland Farms Dairy, Inc.</p> <p>The Planning and Zoning Commission held a Public Hearing on these applications on January 22, 2004 at which time they deferred action. On February 12, 2004 the Commission recommended that the application be approved.</p> <p>The County Council held a Public Hearing on this application on February 10, 2004 at which time action was deferred.</p> <p>Mr. Dukes referred to the comments of Mr. Wright and Mr. Norwood at the Public Hearing before the County Council. At that Public Hearing, they expressed concerns relating to the dedication of the 25-foot of right-of-way, the buffer, and the access easement. Mr. Lank, Director of Planning and Zoning, responded that there were some promises made by the applicant and that these issues would have to be addressed during site plan approval.</p>
M 146 04 Adopt Ordinance	<p>A Motion was made by Mr. Jones, seconded by Mr. Cole, to Adopt Ordinance No. 1662 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN</p>

No. 1662 **AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1**
(C/Z **GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF**
No. 1530) **LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX**
 COUNTY, CONTAINING 3.66 ACRES, MORE OR LESS” (Change of
 Zone No. 1530) filed on behalf of Cloverland Farms Dairy, Inc.

Motion Adopted: 4 Yea, 1 Absent.

M 146 04 (continued)	Vote by Roll Call:	Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Rogers, Absent; Mr. Jones, Yea; Mr. Dukes, Yea
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<p>Old Business (C/U No. 1521)</p>	<p>The County Council discussed Conditional Use No. 1521 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SELF-STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.17 ACRES, MORE OR LESS” filed on behalf of Storage Equity Partners, LP, II.</p>
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The Planning and Zoning Commission held a Public Hearing on this application on January 22, 2004 at which time they deferred action. On February 12, 2004 the Commission recommended that the application be approved with nine conditions.

The County Council held a Public Hearing on this application on February 10, 2004 at which time action was deferred.

M 147 04 A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt
Adopt Ordinance No. 1663 entitled “AN ORDINANCE TO GRANT A
Ordinance CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL
No. 1663 RESIDENTIAL DISTRICT FOR A SELF-STORAGE FACILITY TO BE
(C/U LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN
No. 1521) LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY,
 CONTAINING 1.17 ACRES, MORE OR LESS” (Conditional Use No.
 1521) filed on behalf of Storage Equity Partners, LP, II, with the following
 conditions:

- 1. There shall not be any building contractor's or subcontractor's offices or workshops within the project.**
- 2. There shall not be any storage of building materials or other construction within the project.**
- 3. Any security lights shall only be installed on the buildings and shall be screened with downward illumination so that they do not shine on any neighboring properties.**
- 4. No outside storage shall be allowed on the premises.**
- 5. A landscaped buffer of Leyland Cypress or similar vegetation shall be retained or installed and planted along the border of the project adjacent to any residential properties so that the storage facility is**

screened from view from any adjacent residential property.

6. The site plan shall be subject to approval of the Planning and Zoning Commission.
7. Access to the gates by tenants of the self-storage facility shall only be between 7:00 a.m. and 9:00 p.m.
8. The driveway and parking areas outside of the storage area shall be stoned or paved.
9. Stormwater management shall be maintained on site.

M 147 04
(continued)

Motion Adopted: 4 Yea, 1 Absent.

**Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Absent; Mr. Jones, Yea;
Mr. Dukes, Yea**

**Old
Business
(C/Z
No. 1523)**

The County Council discussed Change of Zone No. 1523 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 115.3 ACRES, MORE OR LESS” filed on behalf of CARD, LLC.

The Planning and Zoning Commission held a Public Hearing on these applications on November 13, 2003 at which time they deferred action. On December 11, 2004 the Commission recommended that the application be approved.

Mr. Lank, Director of Planning and Zoning, noted that if the application were approved, the application would have to go through the subdivision approval process also.

The County Council held a Public Hearing on this application on December 9, 2003February 10, 2004 at which time action was deferred.

M 148 04
Adopt
Ordinance
No. 1664
(C/Z
No. 1523)

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to Adopt Ordinance No. 1664 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 115.3 ACRES, MORE OR LESS” (Change of Zone No. 1523) filed on behalf of CARD, LLC.

Motion Adopted: 4 Yea, 1 Absent.

**Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Absent; Mr. Jones, Yea;
Mr. Dukes, Yea**

Public Hearing/ Issuance of General Obligation Bonds **A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$16,000,000 GENERAL OBLIGATION BONDS OF SUSSEX COUNTY FOR THE EXPANSION OF THE INLAND BAYS REGIONAL WASTEWATER TREATMENT FACILITIES AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH”.**

Public Hearing (continued) **Mr. Baker reviewed the Proposed Ordinance, which would authorize the issuance of up to \$16,000,000 of General Obligation Bonds for financing the expansion of the Inland Bays Wastewater Treatment Facilities. The expansion would provide wastewater disposal service for the Oak Orchard, Angola, West Rehoboth Expansion of the Dewey Beach and Long Neck Sanitary Sewer Districts. Previously, the County Council authorized the purchase of 2,116 acres of land for spray irrigation for an estimated total cost of \$29 million. Mr. Baker stated that the financing plan for this purchase includes up to \$16 million of bond funding from the State Revolving Fund Loan Program and the United States Department of Agriculture Rural Development Loan Program. The State of Delaware has approved the Revolving Fund Loan for \$10 million at 1 1/2 percent for twenty years; they have also approved a \$3 million State grant for the project. The USDA bonds will be at 4 1/2 percent for approximately forty years.**

There were no public comments and the Public Hearing was closed.

M 149 04 Adopt Ordinance No. 1665 **A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt Ordinance No. 1665 entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$16,000,000 GENERAL OBLIGATION BONDS OF SUSSEX COUNTY FOR THE EXPANSION OF THE INLAND BAYS REGIONAL WASTEWATER TREATMENT FACILITIES AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH”.**

Motion Adopted: 4 Yea, 1 Absent.

**Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Absent; Mr. Jones, Yea;
Mr. Dukes, Yea**

Public Hearing/ Creation of the Economic Development Stimulus Loan **A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE CREATION OF THE SUSSEX COUNTY ECONOMIC DEVELOPMENT STIMULUS LOAN PROGRAM”.**

Mr. Baker reviewed the proposed ordinance that would authorize the town loan program. Funding for the program was approved in this year’s budget in the amount of \$1 million. The process would be as follows: applications will be received from interested towns; a loan committee will review the

Program application and make a recommendation to the Council; following Council approval, the loan will be closed and funds will be disbursed to the towns on a reimbursement type basis. The terms of the loans will be a maximum of \$250,000 at an interest rate of 1 percent and a maximum term of ten years. The applicant would be responsible for issuance costs.

Public Hearing (continued) Mr. Baker discussed projects that would be considered eligible under the Loan Program: (1) construction of a new building or the purchase, renovation or expansion of an existing building that will generate income to the municipality and the County; (2) purchase and improvement of land needed to accommodate a structure that will generate income to the municipality and the County, (3) provision for access roads, public utilities and other site development facilities related to a project that generates income for the municipality and the County; (4) development and construction of machinery and equipment, including pollution control equipment, that will generate income to the municipality and the County; (5) construction of new utilities, purchase of an existing utility or expansion of an existing utility that will provide income to the municipality and the County government, or (vi) other such projects as the Loan Committee shall find meet the purposes of the Loan Program.

Mr. Baker explained that the purpose of the program is to promote economic development in the County.

Mr. Stickels noted that revenues paid back to the County go into the General Fund, it does not go back into the program.

There were no public comments and the Public Hearing was closed.

M 150 04 A Motion was made by Mr. Cole, seconded by Mr. Jones, to Adopt
Adopt Ordinance Ordinance No. 1666 entitled “AN ORDINANCE AUTHORIZING THE
Ordinance No. 1666 CREATION OF THE SUSSEX COUNTY ECONOMIC DEVELOPMENT STIMULUS LOAN PROGRAM”.

Motion Adopted: 4 Yea, 1 Absent.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Absent; Mr. Jones, Yea;
Mr. Dukes, Yea

Mr. Stickels submitted grant requests for consideration.

M 151 04 A Motion was made by Mr. Phillips, seconded by Mr. Jones, to give \$500.00,
Council- \$100.00 from each Councilmanic Account, to the Delaware Police Chiefs’
manic Council, Inc. for conference expenses International Association of Chiefs of
Grant Police Training Conference).

Motion Adopted: 4 Yea, 1 Absent.

**Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Absent; Mr. Jones, Yea;
Mr. Dukes, Yea**

M 152 04 Councilmanic Grant **A Motion was made by Mr. Phillips, seconded by Mr. Jones, to give \$500.00, \$100.00 from each Councilmanic Account, to the Delaware Police Chiefs' Council, Inc. for training program costs (Annual Staff Development Seminar).**

Motion Adopted: 4 Yea, 1 Absent.

**Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Absent; Mr. Jones, Yea;
Mr. Dukes, Yea**

M 153 04 Councilmanic Grant **A Motion was made by Mr. Jones, seconded by Mr. Phillips, to give \$500.00, \$100.00 from each Councilmanic Account, to Peninsula Bluegrass, Inc. for the 2004 Festival.**

Motion Adopted: 4 Yea, 1 Absent.

**Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Absent; Mr. Jones, Yea;
Mr. Dukes, Yea**

M 154 04 Councilmanic Grant **A Motion was made by Mr. Jones, seconded by Mr. Phillips, to give \$500.00, \$100.00 from each Councilmanic Account, to sponsor the 16th Annual Stockley Stride.**

Motion Adopted: 4 Yea, 1 Absent.

**Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Absent; Mr. Jones, Yea;
Mr. Dukes, Yea**

M 155 04 Councilmanic Grant **A Motion was made by Mr. Jones, seconded by Mr. Phillips, to give \$750.00, \$150.00 from each Councilmanic Account, to Sussex Central High School for the Minority Leadership Alliance Fundraiser.**

Motion Adopted: 4 Yea, 1 Absent.

**Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Absent; Mr. Jones, Yea;
Mr. Dukes, Yea**

M 156 04 Councilmanic Grant **A Motion was made by Mr. Jones, seconded by Mr. Cole, to give \$250.00 (\$50.00 from Mr. Cole's Councilmanic Account, \$100.00 from Mr. Jones' Councilmanic Account, and \$100.00 from Mr. Phillips' Councilmanic Account) to the Sussex Central Baseball Boosters for equipment and other expenses.**

Motion Adopted: 4 Yea, 1 Absent.

M 156 04 (continued) **Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Absent; Mr. Jones, Yea;
Mr. Dukes, Yea**

M 157 04 Councilmanic Grant **A Motion was made by Mr. Jones, seconded by Mr. Phillips, to give \$500.00 (\$250.00 each from Mr. Jones' and Mr. Rogers' Councilmanic Accounts) to the Milford Memorial Hospital Auxiliary for the Annual Hospital Fair.**

Motion Adopted: 4 Yea, 1 Absent.

**Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Absent; Mr. Jones, Yea;
Mr. Dukes, Yea**

M 158 04 Youth Activity Grant **A Motion was made by Mr. Jones, seconded by Mr. Phillips, to give \$750.00 from Mr. Jones' Youth Activity Grant Account to the Woodbridge Little League for field maintenance and other expenses.**

Motion Adopted: 4 Yea, 1 Absent.

**Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Absent; Mr. Jones, Yea;
Mr. Dukes, Yea**

The funding request from Mt. Calvary Pentecostal Church was tabled.

M 159 04 Youth Activity Grant **A Motion was made by Mr. Jones, seconded by Mr. Phillips, to give \$150.00 from Mr. Jones' Youth Activity Grant Account to Delaware Stingers for the Field Hockey Marathon. (\$50.00 each for the sponsorship of Lindsey Collison, Chelsea Collison and Katie Tomeski.)**

Motion Adopted: 4 Yea, 1 Absent.

**Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Absent; Mr. Jones, Yea;
Mr. Dukes, Yea**

Proposed Ordinance **Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A DOCTORS OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING**

AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 3.601 ACRES, MORE OR LESS” (Conditional Use No. 1562) filed on behalf of Patrick Swier, M.D. The Proposed Ordinance will be advertised for Public Hearing.

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| Proposed Ordinance | Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A GIFT SHOP/ART GALLERY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 36,109 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1563) filed on behalf of George and Edith Wanda Canakis. The Proposed Ordinance will be advertised for Public Hearing. |
| Proposed Ordinance (continued) | |
| Proposed Ordinance | Mr. Dukes introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR METAL FABRICATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 1.78 ACRES, MORE OR LESS” (Conditional Use No. 1564) filed on behalf of Beverly Trice. The Proposed Ordinance will be advertised for Public Hearing. |
| Proposed Ordinance | Mr. Jones introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A HELIPAD (HELICOPTER LANDING PAD) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS” (Conditional Use No. 1565) filed on behalf of State of Delaware Facilities Management. The Proposed Ordinance will be advertised for Public Hearing. |
| Proposed Ordinance | Mr. Jones introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE BUILDING AND STORAGE BUILDING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 29,348 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1566) filed on behalf of Lane Builders, LLC. The Proposed Ordinance will be advertised for Public Hearing. |
| Public Comments | Mr. Dan Kramer commented on a newspaper article written by Councilman Dukes relating to sewer districts and Register of Wills’ fees. |
| Recess | At 7:50 p.m., Mr. Dukes declared a ten-minute recess. |
| Reconvene | Mr. Dukes called Council back into session at 8:00 p.m. |

Mr. Rogers joined the meeting.

**Public
Hearing
(C/U
No. 1522)**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 18.33 ACRES, MORE OR LESS” (Conditional Use No. 1522) filed on behalf of SSEW, LLC.

**Public
Hearing
(continued)**

The Planning and Zoning Commission conducted a public hearing on this application on February 12, 2004 at which time they deferred action.

Mr. Lank, Director of Planning and Zoning, read a summary of the Commission’s Public Hearing. The summary was admitted as part of the County Council’s record.

An Exhibit Booklet was distributed by the Applicant. The same was distributed to the Planning and Zoning Commission.

The County Council found that James Fuqua, Attorney, spoke on behalf of the applicant. Mark Slaughter, Ken Simpler, and Butch Emmert were in attendance on behalf of the application. Mr. Fuqua stated that the application is for an 80-unit residential development (Cottage Dale Acres); that the applicants have agreed to DelDOT’s requests and have no opposition to those requests being a condition of approval; that the applicants has received approval of a Remedial Action Plan for cleaning up the borrow pit and dump site on the site; that a deed restriction is being recorded that will not permit the removal of groundwater on the site; that the proposed plan complies with all of DNREC’s requirements; that there are no wetlands on the site; that Native American burial grounds are located on an adjacent site and not on this site; and that land along the cemetery will remain as open space. Mr. Fuqua pointed out that the site plan has been changed. The proposal submitted to the Planning and Zoning Commission was for 10 buildings containing 8 units in each. The new proposal (submitted to the County Council) is for 20 buildings containing 4 units each.

Public comments were heard. Mr. Linden Jackson expressed concerns about the entrance off of Road 275; traffic problems; density; and past pollution on the site. There were no further public comments and the Public Hearing was closed.

**M 160 04
Defer
Action on
C/U**

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to defer action on Conditional Use No. 1522 filed on behalf of SSEW, LLC.

Motion Adopted: 5 Yea.

No. 1522

**Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea**

**Public
Hearing**

**Public
Hearing
(C/U
No. 1523)
(continued)**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.48 ACRES, MORE OR LESS” (Conditional Use No. 1523) filed on behalf of Raab-Ford.

The Planning and Zoning Commission conducted a public hearing on this application on February 12, 2004 at which time they recommended that the application be approved with seven conditions.

Mr. Lank, Director of Planning and Zoning, read a summary of the Commission’s Public Hearing. The summary, recommendations and findings of the Commission were admitted as part of the County Council’s record.

An Exhibit Booklet was distributed by the Applicant. The same booklet was distributed to the Planning and Zoning Commission.

The County Council found that Tom Ford, Sally Ford, and John Raab were present on behalf of the application. Mr. Ford stated that the site was rezoned from C-1 to MR in 1990; that in 1997 they received approval for 13 multi-family units; that the approval has expired; and that they are now applying for 12 detached townhomes (Verandah Bay).

Mr. Ford told Council that he is seeking several variances on the site and approval for a sign on the site for sales.

Mr. Ford was advised that any requests for variances would have to go to the Board of Adjustment. Mr. Ford was also advised that the sign he is requesting would be subject to specifications of the County’s sign ordinance.

There were no public comments and the Public Hearing was closed.

**M 161 04
Adopt
Ordinance
No. 1667
(C/U
No. 1523)**

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to Adopt Ordinance No. 1667 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.48 ACRES, MORE OR LESS” (Conditional Use No. 1523) filed on behalf of Raab-Ford, with the following conditions:

1. The maximum number of residential units shall not exceed twelve units.
2. All entrance, intersection, roadway, and multi-modal improvements required by DelDOT shall be completed by the Applicant in accordance with DelDOT's determination.
3. The development shall be served as part of a Sussex County sewer district.

**M 161 04
(continued)**

4. The project shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable regulations.
5. A 50-foot wetland buffer shall be provided.
6. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements, and the project shall utilize Best Management Practices to construct and maintain these features.
7. Construction, site work, grading and deliveries of construction materials, landscaping materials, and fill on, off or to the property shall only occur Monday through Saturday and only between the hours of 7:00 a.m. and 6:00 p.m.
8. Road naming and addressing shall be subject to the approval of the Sussex County Addressing Department.

Motion Adopted: 5 Yea.

**Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea**

**Public
Hearing
(C/Z
No. 1531)**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 14.23 ACRES, MORE OR LESS" (Change of Zone No. 1531) filed on behalf of Lake Placid Properties, LLC.

The Planning and Zoning Commission conducted a public hearing on this application on February 12, 2004 at which time they deferred action.

Mr. Lank, Director of Planning and Zoning, read a summary of the Commission's Public Hearing. The summary was admitted as part of the County Council's record.

The County Council found that Preston Dyer was present on behalf of the application. Mr. Dyer stated that they are proposing a commercial retail center and pad sites.

There were no public comments and the Public Hearing was closed.

M 162 04 Defer Action on C/Z No. 1531	A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to defer action on Change of Zone No. 1531 filed on behalf of Lake Placid Properties, LLC.
	Motion Adopted: 5 Yea.
M 162 04 (continued)	Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Rogers, Yea; Mr. Jones, Yea; Mr. Dukes, Yea
M 163 04 Adjourn	A Motion was made by Mr. Rogers, seconded by Mr. Jones, to adjourn at 9:20 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,

**Robin A. Griffith
County Council Clerk**

